IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 13401 of 2004

Between:

Kondapalli Bala Krishna Murthy, S/o. Sri Narayana Swamy,
R/o. Kolaganivaripalem, Via ; Dhulipudi, Nagaram (M),
Guntur District.

..... PETITIONER

AND

1 The Special Cadre Dy. Registrar (Diary) The A.P.D.D.C.F. Ltd., Lalapet, Hyderabad.
2 Dasari Saibaba, The Milk Producers Coop. Society Ltd. Kolaganivaripalem Nagaram (M), Guntur District.
3 The Secretary, The Milk Producers Coop. Society Ltd. Kolaganivaripalem Nagaram (M), Guntur District

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any writ order or direction more particularly a Writ in the nature of Mandamus by declaring that the 2nd respondent i.e., The President of the Kolagarivanipalem Milk Producers Cooperative Society is ineligible to continue as having acquired disqualification as per Sub-Section 1-A of Section 21-A of the A.P.C.S. Act, 1964 and further declare that the inaction of the 1st Respondent i.e., Special Cadre Dy. Registrar (Diary), A.P.D.D.C.F. Ltd., Lalapet, Hyderabad in taking action against the 2nd respondent as arbitrary, illegal and unconstitutional.

Counsel for the Petitioner: MR.Y.SUBRAHMANYAM

Counsel for the Respondent No.2 : MR.V.V.PRABHAKARA RAO and Mr.N.Rajeshwar Rao

Counsel for the Respondent No.1: Govt. Pleader for Cooperation.

The Court made the following :

ORAL ORDER:

The petitioner states that the 2nd respondent has incurred disqualification to hold the office of the 3rd respondent-society. He claims that though he made several representations, the 1st respondent has not taken proper steps in the matter, in accordance with the provisions of the A.P. Cooperative Societies Act, 1964 (for brevity "The Act").

Heard the learned counsel for the petitioner, the learned Government Pleader for Cooperation and the learned counsel for the 2nd respondent.

The grievance of the petitioner is that the 1st respondent has not taken necessary steps in accordance with the provisions of the Act, though he submitted a complaint stating that the 2nd respondent incurred disqualification. However, from the record, it is found that the 1st respondent has already issued a show cause notice under Section 34 of the Act. The 2nd respondent states that he has already submitted an explanation, and now, it is for the 1st respondent to pass appropriate orders.

Having regard to the fact that the term of the committee is limited, the 1st respondent is required to take decision and pass appropriate

orders as early as possible.

Hence, the writ petition is disposed of directing the 1st respondent to pass appropriate orders in pursuance of the show cause notice dated 15.9.2003 within a period of six weeks from today duly observing the principles of natural justice and following the provisions of law. There shall be no order as to costs.

_____ (L. NARASIMHA REDDY, J.)

10th December, 2004.

bcj

To

1 The Special Cadre Dy. Registrar (Diary) The A.P.D.D.C.F. Ltd., Lalapet, Hyderabad.
2 The Secretary, The Milk Producers Coop. Society Ltd. Kolaganivaripalem Nagaram (M), Guntur District

3 Two C.Cs. to the Government Pleader for Cooperation, High Court Buildings, Hyderabad (OUT).

4 Two C.D. copies